IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

RPFC.No. 89 of 2003()

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MC.298/2002 of FAMILY COURT, MANJERI

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REVISION PETITIONER/RESPONDENT:

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PADATHUMPEEDIKA MUJEEB,
S/O. YAHUPUTHIYAKADA, KERALA ESTATE P.O.,
KARUVARAKUNDU, KARUVARAKUNDU AMSOM DESOM.

BY ADV. SRI.M.P.PRABHANANDAN

RESPONDENTS: PETITIONERS:

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1. VELLILAMKUNNU SURAYYA, D/O. MUHAMMED,
ADAKAKUNDU P.O., KALIKAVU, KALLIKAVU AMSOM,
THREKUNNESERI DESOM.

2. MUHAMMED SHEFIQ, (MINOR 3 YEARS),
REPRESENTED BY GUARDIAN MOTHER
1ST PETITIONER.

BY ADV. SMT.K.V.RESHMI
SMT.C.S.SULEKHA BEEVI

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R.UDAYABHANU, J**

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R.P.(FC) No.89 of 2003

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Dated this the 22nd day of October, 2007

**O R D E R**

The revision petitioner is the respondent/husband in the proceedings in M.C.No.298/02 initiated by the first petitioner for maintenance of the minor child aged three years. He is under orders to pay maintenance to the child at the rate of Rs.600/- per month.

2. It is the case that the respondent/revision petitioner divorced her on 5.9.2000 by pronouncing thalaq and that it was agreed to pay maintenance to the child but he paid it only for nine months. According to her, the respondent/husband is getting a sum of Rs.175/- per day as wages. It is alleged that he is having properties also. She had claimed maintenance at the rate of Rs.1,000/- per month for the minor child.

3. The respondent/revision petitioner has contended that there is an agreement to pay maintenance at the rate of Rs.200/- per month at the time of divorce and he was paying the amount regularly. According to him, he is getting work only for about 12

days in a month and his wages is only Rs.80/- per day. Further, he has to maintain his own family.

4. The evidence adduced in the matter consisted of the testimony of PW1, the first petitioner, and RW1, the respondent.

5. It is admitted by the revision petitioner that he has got a wife and child and that he has no other income and he is getting work only for about 12 days.

6. I find that the respondent has no case that the first petitioner has got any other means of livelihood. So as to the maintenance of the second petitioner child the responsibility of the respondent/revision petitioner cannot be evaded stating that he is not having work regularly. I find that the amount of maintenance ordered is not exorbitant. In the circumstances, I find no reason to interfere in the order of the court below.

The R.P.(FC) is dismissed.

**K.R.UDAYABHANU,**
**JUDGE**

csl